Remarks

No amendments are made herein. Claims 1-9, 11 and 12 having been previously cancelled, Claims 10 and 13-16 are currently pending.

Claims 10 and 13-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Abrams (U.S. Patent No. 5,673,691). Applicant respectfully requests that this rejection be reconsidered in view of the above Amendments and the below Remarks.

The present invention is directed to a recipe evaluating system which facilitates weight loss for persons following certain types of weight control programs. One specific example of such a weight control program in connection with which the present invention may be employed is the POINTS® based program employed by Weight Watchers International, Inc., one of the assignees of the present application.

In the POINTS® based program, rather than tracking any one or more traditional nutritional parameters (such as calories, vitamins, minerals, protein, carbohydrates, fat, etc.), participants in the program track their food intake using "points", which are a composite nutritional indicator taking into account multiple nutritional parameters of food items. Various food items in various amounts have

associated therewith particular "points" values, and participants in the program have a target "points" total for a given time period. The "points" values for various amounts of food items can be found in tables, in databases, on the packaging for food items themselves, or by calculating the values using a formula based upon nutritional parameters, etc.

In some cases, such as in the case of popular restaurants and pre-packaged meals, entire food items (such as sandwiches) or even entire meals may have a known "points" value associated therewith, so that program participants may easily track their food intake for such items. However, when a program participant is making his/her own recipes, there may not be a pre-determined "points" value readily available to the participant. Instead, the participant would be required to individually locate or calculate the "points" value associated with each recipe ingredient, adjust the "points" value based upon the amount of the ingredient used in the recipe, add the "points" values together for all recipe ingredients for a total, and then divide the total "points" value by the number of servings. Obviously, this can be a cumbersome process if performed manually, particularly for recipes that contain numerous ingredients.

The present invention greatly facilitates this process by merely allowing a user to input the recipe ingredients and associated amounts, and then outputting a

single, composite nutritional indicator (i.e., a "points" value) for each serving of the recipe.

Applicant respectfully submits that Abrams does not disclose, teach or suggest such a system in any way. Abrams is concerned only with summing the various traditional nutritional parameters for multiple items in a recipe, **not** with taking plural nutritional parameters for each ingredient and outputting <u>a single numerical value calculated</u> based on the plural nutritional parameters for each ingredient for a serving of a multiple ingredient recipe. For example, as can be clearly seen in Figure 22 of Abrams, the system disclosed therein merely sums various <u>individual</u> nutritional parameters for ingredients of a recipe and then divides the summed values for each <u>individual</u> nutritional parameter to arrive at a value of each <u>individual</u> nutritional parameter for a serving size of the recipe. More specifically, the <u>individual</u> nutritional parameters that are shown in Figure 22 as being summed are calories and fat. Abrams does not disclose, teach or suggest in any way calculating and outputting <u>a **single** numerical value calculated</u> based on the **<u>plural</u>** <u>nutritional parameters</u> for each ingredient for a serving of a multiple ingredient recipe.

Thus, Abrams merely sums the nutritional components of the food items, and outputs a total for <u>each</u> individual nutritional component. The user of the system would still be required to manually perform additional calculations to arrive

at a **single** numerical value calculated based on the **plural** nutritional parameters (i.e., a "points" value) for each serving. The number of calories and the amount of fat only get the user part of the way there.

In the outstanding Office Action, the Examiner equates the claimed "single numerical indicator" with total calories (i.e., 363) in Figure 22 of Abrams et al. In doing so, the Examiner also equates serving size and food type with the claimed "plural nutritional parameters", which serving size and food type are used to compute the total calories.

However, in doing do, the Examiner completely ignores the fact that Claim 10, as amended, requires <u>two</u> different types of date: (1) data received from the user via a user interface, particularly "the identity and amount of the ingredients of the recipe and serving size information"; and (2) data stored in a database, particularly, "plural nutritional parameters for each ingredient." The processor used both types of data in calculating the single composite nutritional indicator.

Thus, it is inappropriate for the examiner to equate the serving size and food type with the claimed "plural nutritional parameters for each ingredient" stored in the database. This is true because the serving size and the food type are user supplied. This is also true because the serving size and food type are not "nutritional parameters", as the term would be understood by once skilled in the

art. The only database stored nutritional parameter used by Abrams et al. in

calculating total calories is the stored calories/100 grams, which again, is a <u>single</u>

nutritional parameter for each ingredient of the recipe, not <u>plural nutritional</u>

<u>parameters</u> for each ingredient of a multiple ingredient recipe, as is required by

Claim 10.

    As discussed previously, Abrams discloses a system that calculates

<u>multiple</u> numerical values, each of which is based on calculations involving only a

<u>single</u> nutritional parameter (e.g., only calories <u>**or**</u> fat).

    For the foregoing reasons, Applicant respectfully submits that all pending

claims, namely Claims 10 and 13-16, are patentable over the references of record,

and earnestly solicits allowance of the same.

Respectfully submitted,

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